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## SCHEDULES

### SCHEDULE 5

#### MISCELLANEOUS AMENDMENTS OF MERCHANT SHIPPING ACTS

##### *Merchant Shipping Act 1970 (c. 36)*

- 1 Omit section 23 (power of seamen to complain to master or proper officer about master, other seamen or conditions).
- 2 In section 30 (continued or concerted disobedience, neglect of duty etc. by seamen), omit paragraphs (a) and (b).
- 3 In section 42 (trade disputes involving seamen), omit subsection (2).
- 4 In section 56 (formal investigation into shipping casualty or incident), for subsections (5) and (6) substitute—
  - “(5) The wreck commissioner or sheriff may make such awards as he thinks just with regard to the costs of the investigation and of any parties at the investigation, and with regard to the parties by whom those costs are to be paid; and any such award of the wreck commissioner may, on the application of any party named in it, be made an order of the High Court.
  - (6) Any costs directed by an award to be paid shall be taxable—
    - (a) in the High Court, or
    - (b) where the investigation was held in Scotland, by the auditor of the sheriff court in which it was held and in accordance with the table of fees regulating the taxation of solicitors' accounts.
  - (6A) The wreck commissioner or sheriff shall make a report on the investigation to the Secretary of State.”
- 5 Omit sections 65 and 66 (custody and disposal of property of deceased seamen).
- 6 After section 75 insert—

##### **“75A Inspection and admissibility in evidence of copies of certain documents**

- (1) Where under any enactment a document is open to public inspection when in the custody of the Registrar General of Shipping and Seamen—
  - (a) there may be supplied for public inspection a copy or other reproduction of the document instead of the original; but
  - (b) the original shall nevertheless be made available for public inspection if the copy or other reproduction is illegible.
- (2) Where the Registrar General of Shipping and Seamen destroys any document which has been sent to him under or by virtue of any enactment, and keeps a copy or other reproduction of that document, then—

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- (a) any enactment providing for the document to be admissible in evidence or open to public inspection, and
- (b) in the case of a document falling within subsection (1), that subsection,

shall apply to the copy or other reproduction as if it were the original.

- (3) For the purposes of this section, and of section 695(2) of the Merchant Shipping Act 1894 in its application to documents in the custody of the Registrar General of Shipping and Seamen, a copy is to be taken to be the copy of a document notwithstanding that it is taken from a copy or other reproduction of the original.”

7 Omit section 89 (return of deserters under reciprocal arrangements).

8 In section 92 (unregistered British ships)—

- (a) omit “British”; and
- (b) after “employed in them,” insert “or shall so extend in such circumstances as may be so specified, in either case”.

9 In section 96 (non-sea-going ships)—

- (a) in subsection (1)—
  - (i) after “20,” insert “27, 32 (in its application in relation to section 27),” and
  - (ii) after “60,” insert “76,”; and
- (b) for subsection (2) substitute—

“(2) In relation to ships which are not sea-going ships—

- (a) section 32 of this Act shall (in its application in relation to section 27) have effect as if the words “goes to sea in a ship” were omitted and the words “is on board a ship while it is on a voyage or excursion” were inserted after “to give it”; and
- (b) section 45 of this Act shall have effect as if for the words “goes to sea or attempts to go to sea” there were substituted the words “goes on a voyage or excursion or attempts to do so” and the words “if in the United Kingdom” were omitted.”